



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*Mailing Address: 271 Cadman Plaza East
Brooklyn, New York 11201*

October 7, 2008

BY ECF AND INTEROFFICE MAIL

Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Bajwa v. Quarantillo
CV 08-3631

Dear Judge Ross:

In this action, plaintiff challenges the denial of an application for adjustment of status. On October 3, 2008, plaintiff was placed into removal proceedings, see attached, where he will have an opportunity to again pursue his adjustment application. Under such circumstances, this Court is no longer with jurisdiction over this action. See Howell v. INS, 75 F.3d 285, 291(2d Cir. 1995).

Thank you for your assistance in this action.

Respectfully submitted,

BENTON J. CAMPBELL
UNITED STATES ATTORNEY

By: /s/{electronically filed}
Scott Dunn
Asst. U.S. Attorney
(718) 254-6029

ORDER

cc: Alan Strauss
41-43 Beekman St.
New York, New York 10038

Plaintiff's response to this letter, if any,
shall be filed on or before November 14, 2008.
So ORDERED.

s/ ARR

4/5/08

U.S.D.J.

U.S. Department of Homeland Security

Notice to Appear**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID : 277187392

File No: A071 649 831

DOB: 02/02/1956

Event No: NYC0910000018

In the Matter of:

Roshan BAJWA AKA: ROSHANBAJWA, ROSHAN ;

currently residing at:

Respondent:

90-10 ELLIS COURT BLVD., QUEENS VILLAGE NEW YORK 11428

() -

(Number, street, city and ZIP code)

(Area code and phone number)

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

See Continuation Page Made a Part Hereof

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
 Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(l)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
 26 Federal Plaza 12th Floor Room 1237 New York NEW YORK US 10278

(Complete Address of Immigration Court, including Room Number, if any)

on January 29, 2009 at 08:30 A.M. to show why you should not be removed from the United States based on the
 (Date) (Time)

charge(s) set forth above.

PHILLIP SAVAGE Supervisory DAO

(Signature and Title of Issuing Officer)

Date: October 3, 2008

(City and State)

See reverse for important information

Form I-862 (Rev. 08/01/07)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 3.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.dhs.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 10-3-08, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

- in person by certified mail, returned receipt requested by regular mail
- Attached is a credible fear worksheet
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the _____ language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

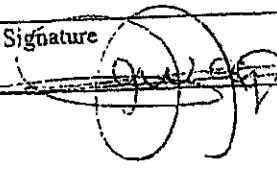
Celine Young
CELINE YOUNG DISTRICT ADJUDICATIONS OFFICER

(Signature and Title of officer)

(Signature of Respondent if Personally Served)

Continuation Page for Form 1862

U.S. Department of Homeland Security

Alien's Name Roshan BAJWA	File Number A071 649 831 Event No: NYCD0910000018	Date 10 - 3 - 08
<p>THE SERVICE ALLEGES THAT YOU:</p> <p>1. You are not a citizen or national of the United States; 2. You are a native of INDIA and a citizen of INDIA; 3. On or about February 1, 1994 you entered the United States at or near San Ysidro, California without inspection; 4. You filed an application to adjust status and an application for advance parole on October 24, 1996. 5. Your application for advance parole was granted and you subsequently departed the United States; 6. You arrived in the United States at Los Angeles, California on or about October 29, 1997 and you were paroled into the United States to resume your adjustment of status application; 7. Your adjustment of status application was denied on April 27, 2007; 8. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;</p> <p>ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:</p> <p>212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.</p>		
Signature 	Title Supervisory DAO PHILLIP SAVAGE	

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